

1 DAVID J. LEE (STATE BAR NO. 296294)
david@davidjleelaw.com
2 DAVID LEE LAW, APLC
515 South Flower Street, Suite 1900
3 Los Angeles, CA 90071
Telephone: +1 213 236 3536
4 Facsimile: +1 866 658 4722

5 Attorneys for Plaintiff
PRISCILLA CHAVEZ

6 JESSICA R. PERRY (STATE BAR NO. 209321)
jperry@orrick.com
7 ALLISON RIECHERT GIESE (STATE BAR NO. 267533)
agiese@orrick.com
8 ORRICK, HERRINGTON & SUTCLIFFE LLP
9 1000 Marsh Road
Menlo Park, CA 94025-1015
10 Telephone: +1 650 614 7400
Facsimile: +1 650 614 7401
11

12 Attorneys for Defendant
NVIDIA CORPORATION and SHAMA KHANZADA

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 PRISCILLA CHAVEZ, an individual,

17 Plaintiff,

18 v.

19 NVIDIA CORPORATION, a Delaware
Corporation; SHAMA KHANZADA, an
20 individual; and DOES 1 through 50, inclusive,

21 Defendants.
22
23
24
25
26
27
28

Case No. 5:19-cv-03886-NC

**STIPULATION AND ORDER TO
REMAND ACTION TO THE
SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SANTA CLARA**

STIPULATION

Pursuant to Civil Local Rule 7-12 of the United States District Court for the Northern District of California, Plaintiff Priscilla Chavez and Defendants NVIDIA Corporation and Shama Khanzada, through their counsel of record (collectively the “Parties”), hereby respectfully submit the following Stipulation:

WHEREAS, on April 16, 2019, Plaintiff filed a complaint in the Superior Court of the State of California, County of Santa Clara, Case No. 19CV346557 (the “Complaint”), which alleges a federal claim for violation of the Family Medical Leave Act.

WHEREAS, on July 5, 2019, Defendants properly removed the action to the Northern District of California, San Jose Division, under federal question jurisdiction pursuant to 28 U.S.C. § 1331.

WHEREAS, on July 12, 2019, Defendants filed a Motion to Dismiss Plaintiff’s third claim for hostile work environment, fourth claim for disability discrimination, seventh claim for negligent supervision and retention, eighth claim for intentional infliction of emotional distress and ninth claim for negligent infliction of emotional distress. Plaintiff opposed Defendants’ motion on July 26, 2019 and Defendants filed a reply on August 2, 2019. The hearing is set for August 28, 2019 at 1:00 p.m.;

WHEREAS, Plaintiff meet and conferred with Defendants and stated that she intends to amend her Complaint to dismiss her sole federal claim for violation of the Family Medical Leave Act and seek a remand to the Superior Court of California, County of Santa Clara;

WHEREAS, on August 7, 2019, in light of Plaintiff agreement to dismiss her second, seventh and ninth claims and to amend her Complaint to either address the remaining issues identified in Defendants’ motion to dismiss or dismiss her third, fourth and eighth claims, Defendants agreed to stipulate to remanding this action to the Superior Court of California, County of Santa Clara.

WHEREAS, Plaintiff agrees to amend her Complaint in conformance with this Stipulation promptly following remand and that nothing in this Stipulation shall waive Defendants’ right to demurrer to and/or move to strike portions of the amended complaint;

1 WHEREAS, if the Court remands the case to the Superior Court of California, County of
2 Santa Clara, Defendants shall withdraw their Motion to Dismiss, which is currently set for
3 hearing on August 28, 2019 at 1:00 p.m.

4 IT IS HEREBY STIPULATED AND AGREED, subject to Court approval:

5 1. This action shall be remanded to the Superior Court of California, County of Santa
6 Clara.

7 2. Defendants' Motion to Dismiss, currently set for hearing on August 28, 2019, is
8 withdrawn.

9 **IT IS SO STIPULATED.**

10 Dated: August 8, 2019

DAVID J. LEE
DAVID LEE LAW, APLC

12 By: /s/ David J. Lee

13 DAVID J. LEE
Attorney for Plaintiff
14 PRISCILLA CHAVEZ

15 Dated: August 8, 2019

JESSICA R. PERRY
ALLISON RIECHERT GIESE
Orrick, Herrington & Sutcliffe LLP

17 By: /s/ Allison Riechert Giese

18 ALLISON RIECHERT GIESE
Attorneys for Defendants
19 NVIDIA CORPORATION and SHAMA
KHANZADA

20 **Attestation Pursuant to Civil Local Rule 5-1(i)(3)**

21 Pursuant to Civil Local Rule 5-1(i)(3), I, Allison Riechert Giese, hereby attest that I have
22 obtained concurrence in the filing of this document from the other signatories to this document.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct. Executed on August 8, 2019, in Menlo Park, California.

25 By: /s/ Allison Riechert Giese

26 ALLISON RIECHERT GIESE
Attorneys for Defendants
27 NVIDIA CORPORATION and SHAMA
28 KHANZADA

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2
3 Dated: August 12, 2019

